



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 3012260  
**Applicant Name:** Valerie Thiel, on behalf of the Columbia Lutheran Home  
**Addresses of Proposal:** 4700 Phinney Avenue North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow construction of a 1,280 square foot, two-story addition (640 sq. ft. on each floor) to a two-story nursing home in a lowrise zone (LR1).

The following approvals are required:

**Variances** - To allow a structure to exceed the maximum allowable structure width in a LR-1 zone (Seattle Municipal Code Section 23.45.527). *Requirement: The maximum allowable width shall be 45 feet - Proposed: 183'-2"*.

**Variances** -To allow a structure to exceed the maximum allowable Floor Area Ratio (FAR) (Seattle Municipal Code Section 23.45.510). *FAR Limit in LR1 zone, 1.0 Proposed FAR, 1.05.*

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Subject Site and Vicinity**

The subject property is zoned Lowrise 1 (LR1) and is a rectangular-shaped block, bounded by Dayton Avenue E. on the east, Phinney Avenue N. on the west, N. 47<sup>th</sup> Street on the south and N. 48<sup>th</sup> Street on the north. The site area totals 50,000 square feet. The subject block is bounded in all four directions by properties which are likewise zoned LR1, and developed largely with single-family homes, but with a smattering of duplexes, triplexes, small and medium-sized apartment buildings. Some of the housing stock is a hundred and ten years old. Much of the housing stock dates from the first quarter of the previous century. The Columbia Lutheran Skilled Nursing Home was built in 1960 and expanded in 1978. It is unusual in the area for its size, a single building occupying an entire block in an area where comparable blocks are platted and built out on anywhere from 10 to 24 underlying lots.

### **Proposal Description**

The applicant is requesting variances to allow portions of the nursing home, two corner spaces, one a lounge on the first floor and the other a work space directly above it on the second floor, to expand by 640 square feet. As explained by the applicant, the programs and needs of skilled nursing facilities have changed over the years. Typically, residents were required to take their meals on a fixed schedule, allowing residents to rotate through the dining rooms in smaller numbers at set intervals. In more recent times, residents have been allowed to go to meals at variable times of their own choosing. Since the small dining rooms will not accommodate residents desiring to take their meals at the same times, residents have been taking their meals in the building's corridors. The Columbia Lutheran skilled nursing facility would like to expand the existing corner spaces to create additional, more appropriate dining spaces. But to do so, variances from allowable building width and from floor area ratio (FAR, or the ratio between the lot size and permissible building coverage) are required. The skilled-nursing facility is a permitted use in the zone, but the building is legally non-conforming as to current development standards established for the LR1 zone.

### **Public Comment**

Comment letters received during the original comment period that ended on June 22, 2011, and the comment period for the revised notice of application which ended on August 3, 2011, were largely focused on impacts on the availability of street parking. The moderate-sized parking lot on the northwest corner of the site was considered currently inadequate to accommodate both staff and visitor parking. Other concerns were local traffic congestion and the possible curtailing of nearby neighbors' views.

**ANALYSIS – VARIANCE to allow added width to the existing structure. The existing width is 178'-2" and the proposed width is 183'-2"; VARIANCE to allow a structure to exceed the maximum allowable Floor Area Ratio (FAR). The FAR limit in the LR1 zone is 1.0; the proposed FAR is 1.05**

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

- 1. Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The subject property is not unusual in shape, but there are features of the site relative to size worth consideration. The Columbia Nursing Home is unusual in that it is a structure that occupies most of an entire block, while surrounding blocks have been developed with multiple smaller structures, mostly single-family homes and smaller multifamily structures. That said, there are a number of larger apartment/condominiums in the area with between eight and thirty-some residential units occupying more than single lots which exceed the forty-five foot building width limit.

While the existing skilled nursing facility exceeds in breadth and width any other structures in the vicinity, the actual lot coverage of the building is 42.3% (43.5% with the granted variances and remodel), is substantially less than some other multifamily structures in the immediate area. Additionally, the Columbia Lutheran Home, built in 1960, sports a perimeter of substantial landscaping that eases its fit into the neighborhood, despite its overall bulk. By comparison, and keeping examples just along Phinney Avenue North, several structures occupy a higher percentage of the lots they are constructed on. The apartment at 4601 Phinney Avenue N. occupies 59.65% of its site; that at 4901 Phinney Avenue N. occupies 57.1% of its site; the one at 4902 Phinney Avenue N. occupies 57.6% of its site. Several of the structures in excess of 50 percent of lot coverage have considerably less of a setback from the street(s) as that enjoyed by the Columbia Lutheran Home and could be characterized as having a more formidable presence to the street than the subject structure on its site.

This survey of other larger structures with substantial lot coverage reveals buildings constructed without the Code restrictions for lot coverage or for a maximum width of 45 feet. None of the structures occupy an entire block as does the Columbia Lutheran Home, but there are nine large structures along Phinney Avenue N. between N. 46<sup>th</sup> and N. 50<sup>th</sup> Streets in excess of 45 feet in width. Modifications of development standards within the Land Use Code mean that all of these structures are non-conforming as to allowable width. These restrictions were not created by the owner or applicant and severely restrict the notion of “living buildings,” buildings capable of making reasonable adjustments (in this case minor reasonable adjustments) to changing circumstance and needs.

Columbia Lutheran Home is a not-for profit skilled nursing facility licensed to serve 116 residents. Since they are licensed for 116 residents (and currently serving 107 residents) they are at or near their maximum capacity for residents and the expansion they seek is an expansion to enable more residents to take their meals in a more home-like social environment. The relief sought, to expand the existing corner spaces to accommodate larger dining rooms, will expand the overall width of the structure by 5 feet, from 178'-2" to 183'-2", is an expansion of less than 3 percent of the width of the structure.

The Floor Area Ratio (FAR) allowed by Code is 1.03; that proposed is an FAR of 1.05. The FAR, a requirement of recent Code amendments, is exceeded on this site partially because almost the entire basement is required by Code to be calculated in the FAR since the first floor lies more than 4 feet above grade on 3 sides.

Most commonly the Code intends orderly development patterns and compatibility between surrounding lots within a zone. Likewise there is an underlying assumption that the Code proposes orderly development and compatibility over time when changes occur within the Code. It does not appear that it is the intention of the Code to be less than clement when it fails to address differences or to distinguish between the pre-existing conditions of larger structures permitted earlier on larger sites and smaller structures on smaller sites as in this instance.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The applicant is requesting an expansion of existing enclosed spaces located at the southwest corner on both the first and second floors to create additional dining rooms to augment existing dining areas located at the southeast corner of the building. The additions would add an additional 640 square feet to a 190-square foot lounge area on the first floor and 640 square feet to an existing work space on the second floor, for a total expansion of 1,280 square feet. With this expansion the measured width of the structure would increase from 178'-2" to a proposed width of 183'-2".

The site area is 50,000 square feet. The existing building has an area of 51,426 square feet, making an FAR of 1.03; the proposed area is 52,706 square feet, making an FAR of 1.05, and increase in FAR of 0.2.

Plans submitted with the variance requests show in schematic design a two-story addition designed to fit into the existing "notch" at the southwest corner of the structure. The design is proportionate and in scale with the rest of the structure. The proposed addition does not go beyond a reasonable minimum necessary to afford relief and does not appear to constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The addition is substantially set back from the public realm in elevation and perceptually and does not infringe on any significant or protected public views. In addition to providing re-enforcement of the existing, established urban residential pattern, the structure is perceptually buffered by the expansive, tiered plantings that rise above the sidewalk on the north side of N. 46<sup>th</sup> Street. The primary view to neighbors will be that of the sloped, landscaped setback, the same as now. As a licensed nursing home with a limit of 116 residents (current population is 107, according to the Administrator), there will be no affect on staffing or impacts attributable to number of staff since the staffing is dependent on the number of residents, not on the dining space.

*4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

A site review of the subject property and both the immediate and extended vicinity, and review of plans showing the proposed addition and its location, as well as site plans indicating the alignment of adjacent and surrounding residences, indicate that the proposed addition would provide a reasonable fit into the neighborhood and vicinity. The additional width of the structure is proportionately small and will not perceptively alter the way in which the overall structure presents itself on the site.

Many other earlier multifamily developments appear to exceed an FAR of 1.0. Several nearby structures that exceed the FAR of 1.0 now prescribed by Code make a greater visual impact in the neighborhood because at the same time they have smaller setbacks than currently exhibited or proposed on the subject site. Approximately 5 other buildings in the immediate vicinity, whose FAR's would appear to range in the scale of 1.50 to 2.0, have significantly smaller setbacks for the streets than does the subject structure.

The literal interpretation and the strict application of the applicable maximum width requirement and maximum allowable FAR would cause practical difficulties for the full realization of the proposed development and expansion of the dining areas. While there may be other locations to place the dining areas within the structure without external alteration, and where placement would not require a variance from the Land Use Code, an alternative would require significant revisions to the existing floor plan and the functional layout of the domestic realm. Currently many of the residents of the Columbia Lutheran Home have to eat alone in their rooms. While this may have been a part of earlier custom, based in part at least on principles of health-care practice, current principles and practice opt for socialization during meals and creation of a more homelike environment. Likewise, there has been a shift away from perceived benefits, for the residents at least, of highly regimented meal times, a practice that allowed for more feeding times in smaller spaces.

While the Land Use Code addresses the relationship of building to site, building to street, and building to neighboring sites and buildings, it does not necessarily directly address social and cultural components and advantages to users of buildings and sites. In this instance there are several social advantages in the proposed reconfiguration of the dining spaces. While there may be other locations to place the dining areas within the structure without external alteration, and where placement would not require variances from the Land Use Code, an alternative would require significant revisions to the existing floor plan, to the functional layout of the domestic realm, as well as to the expectations of established custom. It is clear that the literal interpretation and strict application of the applicable provisions or requirements of the Land Use Code in this instance would cause undue hardship and practical difficulties.

*5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly lowrise, multifamily use. Earlier provisions of the Land Use Code

allowed for the development of several, higher-density residential buildings along Phinney Avenue N. These buildings, disproportionate in number and in size to actual development in an area that is historically characterized by the typology of single-family development, nonetheless need to be “living buildings” and the Land Use Code instrument of the variance seems an appropriate instrument to evaluate and grant variations from the Code that will enable them to remain living and livable buildings *in situ*.

The proposed additions of two added dining rooms on two floors, resulting in a 5-foot increase in the width of a structure already significantly in excess of the maximum width for a structure in the LR1 zone as dictated by the current Land Use Code, and an increase in FAR from 1.03 to 1.05, are minimal adaptations with minimal environmental impacts, but with maximal social benefit. They are in character with the patterns of surrounding development and preserve the existing neighborhood character. Any impacts resulting from this small construction project are relatively minimal and consistent with construction impacts of renovations and minor additions to existing multifamily structures within established multifamily neighborhoods. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of these variances.

**DECISION - VARIANCE to allow the width of a structure to exceed 45 feet in an LR1 zone**

The request for a variance to allow the width of the structure to exceed 45 feet (proposed width 183’-2”) (Seattle Municipal Code Section 23.45.527 Table “A”) is **APPROVED**.

**DECISION – VARIANCE to allow an FAR in excess of 1.0**

The request for a variance to allow an FAR in excess of 1.0 (proposed 1.05) (Seattle Municipal Code Section 23.45.510 Table “A”) is **APPROVED**.

**CONDITIONS-VARIANCE**

None.

Signature: (signature on file)  
Michael Dorcy, Land Use Planner  
Department of Planning and Development

Date: February 27, 2012